

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

CHAMINDA PRABHATH PALLIYAGURU

DOB 08/24/1973

5340 Snider Loop, New Albany, OH 43054

Case No. 2:20-mj-293

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Unknown date cont. thru 04/22/2020 in the county of Franklin in the Southern District of Ohio, the defendant(s) violated:

Code Section  
18 U.S.C. Section 1073

Offense Description  
Unlawful Flight to Avoid Prosecution

This criminal complaint is based on these facts:

See attached criminal complaint affidavit.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: 04/22/2020

City and state: Columbus, Ohio

  
Complainant's signature

Richard C.A. Smith, Special Agent - FBI

Printed name and title

  
Judge's signature

Elizabeth Preston Deavers, U.S. Magistrate Judge

Printed name and title

TDP

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTHERN OHIO  
EASTERN DIVISION**

**-oOo-**

UNITED STATES OF AMERICA,

Plaintiff

vs.

CHAMINDA PRABHATH PALLIYAGURU,

Defendant

Magistrate No.

**COMPLAINT**

**COUNT 1: UNLAWFUL FLIGHT TO  
AVOID PROSECUTION**

BEFORE the United States Magistrate Judge, Columbus, Ohio, the undersigned complainant, being duly sworn, deposes and states:

**COUNT ONE  
UNLAWFUL FLIGHT TO AVOID PROSECUTION**

Beginning on a date unknown and continuing to and including April 21, 2020, in the State Ohio and Federal District of Southern Ohio, CHAMINDA PRABHATH PALLIYAGURU, "Defendant" herein, did move or travel in interstate or foreign commerce to avoid state prosecution in Franklin County, Ohio in violation of Title 18, U.S.C. § 1073.

Complainant, Richard C.A. Smith, as a Special Agent with the Federal Bureau of Investigation (FBI), states the following as and for probable cause:

1. Complainant is a Special Agent with the FBI and has been so employed since 2003. Complainant is currently assigned to the Columbus Resident Agency Office, Cincinnati Division of the FBI assigned to work Violent Crimes and Major Offenses (VCMO), to include fugitive matters.

1 Prior to working in the Columbus area, Complainant was assigned to the Las Vegas Division of the  
2 FBI for over 6.5 years. While working in Las Vegas, Complainant was again assigned to work VCMO  
3 violations, including violent gang and fugitive matters, as well as Violent Crimes Against Children  
4 (VCAC), Internet Crimes Against Children (ICAC) and criminal enterprise investigations involving  
5 violent gangs. Prior to laboring in the District of Nevada, your Complainant spent approximately 5.5  
6 years in the Yuma Resident Agency of the Phoenix, Arizona FBI Division. Complainant's primary  
7 investigative responsibilities in the District of Arizona were VCMO violations involving violent  
8 gangs, fugitive matters and criminal enterprise violent gang and drug trafficking investigations.  
9 Complainant began his FBI career in the Oklahoma City Division of the FBI assigned to work VCMO  
10 and criminal enterprise violent gang and drug investigations. Complainant's investigative purview  
11 again included fugitive investigations. Complainant, therefore, has experience in conducting criminal  
12 investigations, including the investigation of Unlawful Flight to Avoid Prosecution as defined in Title  
13 18 U.S.C. § 1073. Complainant has received training and gained experience in interviewing  
14 techniques; arrest procedures; search, tracking and arrest warrant applications and affidavits; the  
15 identification and exploitation of digital media devices as applied to criminal investigations; and  
16 various other criminal laws and procedures. Complainant has personally participated in the execution  
17 of searches, evidence review, interviews, and arrests in fugitive cases.

18 2. The following information contained within this criminal complaint is based upon my  
19 own participation in this investigation or was provided to me by other law enforcement personnel.  
20 All times are approximate.

21  
22 **FACTS ESTABLISHING PROBABLE CAUSE**

23 3. On April 7, 2020, defendant was indicted in the State of Ohio, County of Franklin  
24 Court of Common Pleas, and charged with one (1) count of Rape of a minor child, under the age of

1 10, [Ohio Revised Code (O.R.C.) 2907.02(A)(1)(b)] and three (3) counts of Gross Sexual Imposition  
2 of a minor child, less than thirteen [O.R.C. 2907.05(A)(4)]. Due to the COVID-19 restrictions he  
3 was not scheduled to be arraigned until June 1, 2020. Defendant had previously posted bond when  
4 charged via complaint (reference the same incident) on or about March 8, 2020. It should be noted  
5 for the purposes of this affidavit that the defendant is a United States Citizen who was born in the  
6 country of Sri Lanka. Defendant is known to your Complainant to travel to Sri Lanka on a semi-  
7 frequent basis. Furthermore, the Defendant is currently on probation for a 2017 conviction for  
8 misdemeanor assault (O.R.C. 2903.13). One of the initial charges in that incident involved the  
9 "Sexual Imposition" of an adult in violation of O.R.C. 2907.06. Defendant has traveled to Sri Lanka  
10 multiple times since his conviction in 2017.

11 4. On April 16, 2020, New Albany Police Department, which is the lead investigating  
12 local agency in the pending Franklin County case against Defendant, received an anonymous tip  
13 regarding Defendant. The tipster advised that Defendant was working through a third party to ship  
14 his furniture back to Sri Lanka. They also stated Defendant had put his house up for sale and lost his  
15 job. Defendant, according to the tip, was telling associates he was going back to Sri Lanka.  
16 Subsequent to the tip, Assistant Franklin County Prosecuting Attorney Sayje Brown, Criminal  
17 Division - Special Victims Unit, "APA Brown herein", queried homes for sale public records with  
18 positive results for Defendant's residence. APA Brown subsequently sought from the court a  
19 hearing to modify Defendant's terms of release in order to address potential flight concerns.

20 5. On April 17, 2020, a telephonic hearing was held reference Defendant's terms of  
21 release. Defendant was represented telephonically by counsel and was not recorded as having been  
22 present for the hearing. Presiding Franklin County Court of Common Pleas Judge Gina Russo ruled  
23 in the hearing Defendant's passport was to be turned in, and that Defendant was to be placed under  
24 house arrest. House arrest was to consist of telephonic reporting until the office of probation was

1 “back open”. The place of Defendant’s house arrest confinement was listed as 5340 Snider Loop,  
2 New Albany, Ohio. The Snider Loop address was Defendant’s known primary residence. The  
3 agreement was signed for Defendant by his defense counsel. Defense counsel advised APA Brown  
4 and the court they had contacted their client and advised Defendant of the results of the hearing.  
5 This included advising Defendant of his terms of house arrest.

6 6. On April 20, 2020, APA Brown received notification from Defendant’s counsel that  
7 they could not contact defendant and did not know his whereabouts. Defense counsel advised that  
8 the defendant’s vehicle, which is known by Complainant to be a shared vehicle between Defendant  
9 and his wife, had been at the residence over the weekend. Defense counsel told APA Brown  
10 Defendant’s wife may file a missing persons’ report for defendant. Defense counsel has since  
11 provided law enforcement defendant’s United States Passport.

12 7. On April 20, 2020, New Albany PD was unable to locate defendant at the 5340  
13 Snider Loop, New Albany, Ohio address. It should be noted that a warrant was issued for  
14 Defendant’s arrest prior to officers attempting to contact Defendant at his residence. A canvass of  
15 neighbors yielded the last time anyone recalled having seen Defendant was the previous Friday  
16 (April 17, 2020).

17 8. Later, on April 20, 2020, New Albany Police Officers contacted Defendant’s wife, at  
18 a different address, who stated she had not heard from Defendant since the previous Thursday or  
19 Friday and did not know where he (Defendant) was. A consent search of the second property  
20 yielded negative results for Defendant. Defendant’s wife was unsuccessful in reaching defendant by  
21 phone when asked to do so by law enforcement.

22 9. Based on Defendant’s known ties to the Sri Lanka area, the information from the  
23 tipster as well as the intelligence from Defendant’s counsel and wife about not knowing his  
24 whereabouts, your Complainant began querying FBI and other law enforcement resources to

1 ascertain if Defendant had left the country. To accomplish this, Complainant contacted the United  
2 States Department of Justice's Washington INTERPOL, Global Police Services/Fugitive Division  
3 based in Washington, D.C. Your Complainant requested a name search for Defendant reference  
4 scheduled international flights. Complainant was told Defendant had scheduled an international  
5 flight out of Seattle, Washington on Delta Airlines for April 17, 2020. According to the records  
6 queried, Defendant did not make this scheduled flight.


7 10. On April 20, 2020, in addition to contacting Washington INTERPOL Global Police  
8 Services/Fugitive Division, your Complainant requested assistance from FBI Special Agent David  
9 McCracken, "SA McCracken" herein. SA McCracken is the FBI Columbus Resident Agency's  
10 airport liaison officer. For the purposes of this affidavit, an FBI airport liaison officer is charged  
11 with maintaining positive relations, and with establishing a network of cooperation related to law  
12 enforcement and/or appropriate civil aviation contacts in order to investigate crimes with an air  
13 travel nexus, as well as to help further FBI investigations overall. Complainant provided SA  
14 McCracken with updated case information and requested assistance.

15 11. On April 21, 2020, SA McCracken provided for Complainant's review security  
16 photographs and/or video stills from John Glenn International Airport, Columbus, Ohio taken on  
17 April 17, 2020. SA McCracken advised he believed the male in the referenced stills matched the  
18 description of Defendant. Your Complainant reviewed referenced photographs and/or stills and  
19 concurred with SA McCracken that the male in the photographs matched Defendant. The images  
20 appear to depict Defendant inside different locations inside the airport on April 17, 2020. The last  
21 photograph reviewed by your Complainant shows Defendant boarding Delta Airlines flight 559 with  
22 service from Columbus, Ohio to Minneapolis – Saint Paul, Minnesota. It is currently unknown  
23 where Defendant went from the Minneapolis area. Based on the information currently available to  
24



1 your Complainant, it is believed Defendant left the state of Ohio on or about April 17, 2020. It is  
2 unknown if Defendant left the country.

3 12. Based upon the foregoing, your Complainant believes there is probable cause to  
4 believe CHAMINDER PRABHATH PALLIYAGURU has committed a violation of Title 18,  
5 U.S.C. § 1073 which makes it a crime to “move or travel in interstate or foreign commerce with  
6 intent” to avoid prosecution under the laws of the place from which he is fleeing which, by  
7 definition, is the state of Ohio, County of Franklin. Therefore, Complainant respectfully requests  
8 this court issue a criminal complaint and arrest warrant.

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14 Richard C.A. Smith, Special Agent  
Federal Bureau of Investigation

15  
16 SUBSCRIBED and SWORN to before me

17 This 22<sup>nd</sup> day of April, 2020

18 

19 Hon. Elizabeth Preston Deavers

20 UNITED STATES MAGISTRATE JUDGE  
21  
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23  
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